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Ninety-second session

Summary record of the 2537th meeting
Held at Headquarters, New York, on Friday, 4 April 2008, at 10 a.m.

Chairperson: Mr. Rivas Posada

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08-29514 (E)

The meeting was called to order at 10.10 a.m.

Consideration of communications under the Optional Protocol to the Covenant (*continued*)

1. **Mr. Gillibert** (Secretary of the Committee) announced the status of the communications considered under the Optional Protocol as at the end of the current session: The Committee had declared three communications admissible and 11 inadmissible; it had found violations of the Covenant in nine cases and non-violation in three cases and had decided to discontinue consideration of eight communications.

2. At the Committee's ninety-first session, the Bureau had recommended that the week of the ninety-fourth session originally devoted to meetings of the Working Group on Communications should be replaced with a week of plenary meetings on communications. Eleven members of the Committee had indicated that they would be able to attend those meetings but that number still fell short of the 13 members needed to ensure a quorum.

3. **Mr. Shearer** requested clarification of whether all 18 Committee members had been contacted regarding their availability for an additional week of plenary meetings and, if so, whether they had all responded. In view of practical considerations, it was important to know if the meetings would take place or not.

4. **Mr. Pérez Sánchez-Cerro** asked Mr. Gillibert to specify whether the purpose of the additional plenary meetings was to deal with new communications or with those that had already been received.

5. **Mr. Amor** said that, while he understood that some Committee members already had commitments for the week in question, the growing backlog of communications and reports was in danger of undermining the Committee's credibility. He therefore urged colleagues with prior engagements to reconsider their availability.

6. **Mr. Gillibert** (Secretary of the Committee) said that the additional week of plenary meetings would be used to deal with the backlog of existing communications and to examine new communications. In response to the question put by Mr. Shearer, he said that all 18 members had been contacted and all had responded. In addition to the 11 members who had confirmed their availability, three members had indicated that they would not be available and four members had asked for more time to consult their schedules.

7. **Mr. Shearer** said that it might be useful to discuss an alternative solution in the event that a quorum proved impossible. Those present at the additional meetings could, for instance, consider communications but defer any final decisions until the ninety-fourth session proper. Proceeding in that manner would expedite the Committee's consideration of the cases in question during plenary meetings.

8. **Sir Nigel Rodley** said that part of the difficulty achieving a quorum stemmed from the fact that the Committee had not been given a choice of dates. He endorsed Mr. Amor's statement on the importance of addressing the backlog of reports and suggested that an additional week of plenary meetings to consider reports might also be useful. Although such arrangements might have budgetary implications, he encouraged the Bureau to consider their introduction. Unfortunately, Mr. Shearer's proposal did not seem to differ significantly from the current scenario involving a working group without decision-making power. The Secretariat should consider postponing the additional week of meetings until the Committee's ninety-fifth session.

9. **Ms. Motoc** echoed Mr. Amor's concerns and urged all Committee members to reconsider their availability for the additional week of plenary meetings.

10. **Mr. O'Flaherty**, supported by **Ms. Majodina**, suggested holding the additional meetings during the week directly following the Committee's ninety-fourth session.

11. **Mr. Bhagwati** said that, if necessary, an extra week should be devoted to resolving the backlog situation every year. He expressed support for Mr. O'Flaherty's suggestion, in so far as it might help to achieve a quorum for the additional week of meetings.

12. **The Chairperson** said that the timing of the meetings did not depend solely on the Committee, but also on the Secretariat, which had to ensure that the appropriate facilities were available. Given the practical considerations involved, a decision would have to be taken at the Committee's ninety-third session. He suggested deferring the discussion until

then and expressed the hope that, in the meantime, members would reconsider their availability.

13. **Ms. Majodina** questioned the long-term usefulness of holding only one additional week of meetings, given the fact that a backlog of communications would probably always exist. It might be advisable to discuss with the Secretariat the possibility of making the additional week a permanent fixture.

14. **The Chairperson** agreed that the frequency of additional plenary meetings should be discussed. If the Committee decided to make such meetings a permanent fixture, the Working Group on Communications, as such, would become obsolete.

15. **Ms. Motoc** pointed out that, since the decisions of the Working Group were sometimes re-examined by the Committee during plenary meetings, additional meetings would help to make up for any time lost. While she understood that some members of the Committee had teaching commitments, university vacations varied from country to country and thus not all members were available at the same times. Further consultations on availability might therefore be useful. In any case, it was of the utmost importance not to delay the additional meetings for another year.

16. **Mr. Amor** suggested that the Secretariat should consult the Conference Services Division in Geneva as soon as possible to ascertain which dates would be feasible.

17. **Mr. Shearer** agreed with Mr. Amor that a decision on the timing of the additional week of meetings should be taken as soon as possible and wondered whether such a decision could be taken via e-mail.

18. **The Chairperson** said that he was unsure as to the legality of taking decisions and conducting votes via e-mail. He suggested deferring the discussion until the Committee's ninety-third session and called on the Secretariat to ascertain whether it would be possible to hold an additional week of meetings directly after the Committee's ninety-fourth session.

19. *It was so decided.*

Organizational and other matters (*continued*)

20. **Mr. Gillibert** (Secretary of the Committee) said that the Committee's concluding observations on the reports of Tunisia and Botswana had already been posted on the website of the Office of the United Nations High Commissioner for Human Rights. The concluding observations on the reports of Panama and the former Yugoslav Republic of Macedonia would be posted before the end of the day. All Committee members would receive the relevant documents via e-mail by the end of the day.

21. Turning to the recommendations of the Bureau, he said that Mr. Amor and Mr. O'Flaherty had been nominated to represent the Committee at the seventh inter-committee meeting.

22. **The Chairperson** said he took it that the Committee wished to endorse the Bureau's recommendation.

23. *It was so decided.*

24. **Mr. Gillibert** (Secretary of the Committee) said that, in light of the persistent failure of Saint Vincent and the Grenadines to submit the report requested by the Committee, the Bureau had recommended that, pursuant to rule 70 of the rules of procedure, the Committee should make final and public its previously provisional and confidential concluding observations.

25. **The Chairperson** said he took it that the Committee wished to endorse the Bureau's recommendation.

26. *It was so decided.*

27. **Mr. Gillibert** (Secretary of the Committee) said that the Bureau had recommended that Ms. Wedgwood and Ms. Chanet should attend a session of the Working Group responsible for conducting the universal periodic review and submit relevant recommendations to the Committee at its ninety-third session.

28. **The Chairperson** took it that the Committee wished to endorse the Bureau's recommendation.

29. *It was so decided.*

Closure of the session

30. **The Chairperson** declared the ninety-second session of the Human Rights Committee closed.

The meeting rose at 10.50 a.m.